

Regarding *Zirnheld, et al.*, the Examiner contends that an assembly 110 having at least one catch for attaching assembly to a casing, and at least one breakaway element for providing access to the catch is disclosed. Applicant respectfully submits that neither a catch nor a breakaway element is disclosed in *Zirnheld, et al.* Referring to Column 3, Lines 25-28, of *Zirnheld, et al.* the resistor array 18 and impeller 22 are mounted in a blower motor air duct (not shown). *Zirnheld, et al.* makes no further references as to the method of affixing the resistor array 18 and the connector housing 112 to the blower motor casing. Further, Figure 2 fails to show either a catch or a breakaway element providing access to the catch. Figure 2a shows the connector housing 112 positioned adjacent a casing (not numbered) in the absence of any catch affixing the connector housing 112 to the casing. Further, positioned between a portion of the casing and the connector housing 112 is an unnumbered element that appears as though it could be either a seal or an adhesive affixing the connector housing 112 to the casing.

Black, III, as argued in the previous response to the Office Action dated December 11, 2000, discloses an automotive resistor unit 10 having a mounting clip 60. The mounting clip 60 is generally U-shaped and is bent from a single strip of flexible, resilient, sheet material, such as a spring sheet steel. Mounting flanges 68, 69 are bent laterally from respective legs 54, 66, generally at right angles thereto. The mounting flanges abut, and are riveted to a terminal head 48. Spring latching members 94, 96 are bent from the mounting clip 60 beneath the mounting flanges 68, 69, which conceal the latching members preventing access thereto once the mounting flanges 68, 69 are riveted.

Black, III fails to disclose a breakaway portion to provide access to the spring latching members for servicing or replacing the resistor. Further, *Black, III* discloses a mounting clip 60 being bent from a resilient sheet material, such as spring sheet steel. Spring sheet material has malleable properties. Materials with malleable properties are difficult to break due to their propensity to bend. Although *Black, III* discloses that the clip 60 may be made of other suitable

materials, it is clear from the figures and the description in the specification that the clip 60 is bent from sheet material or other like materials that can be bent.

Black, III further discloses the clip 60 is riveted to a terminal head 48. The terminal head 48 is permanently attached to the clip 60 by rivets 72 in an orientation that prevents access to the mounting flanges 68, 69 once the unit has been installed.

Black, III teaches a resistor unit that cannot be removed from a housing by providing access to the mounting flanges (catches). Applicant respectfully submits that the clip taught by *Black, III* cannot be broken due to the materials suggested in the specification. Further, the design of the clip taught by *Black, III* suggests a permanent attachment of the resistor unit to a blower housing.

Buss, et al. discloses a sensor unit 10 and a connector 20. The center unit 10 includes an elastic seal 19 encircling a bottom side of the sensor unit 10. *Buss, et al.* fails to disclose a breakaway element for providing access to a catch used to affix an electrical resistor to a blower motor casing.

Applicant respectfully contends that neither *Zirnheld, et al*, *Black, III*, nor *Buss, et al.* indirectly nor in any combination thereof discloses each of the elements recited in independent Claims 1 and 9 of the subject application. Specifically, none of these cited references disclose a breakaway element for providing access to at least one of the opposing catches as recited in independent Claims 1 and 9 and used for fastening the inventive housing to a blower motor casing. Further, Applicant contends that the resistor unit disclosed by *Black, III* teaches away from Applicant's inventive housing, which provides a breakaway element and electrical resistor assembly housing to provide access to the clasps. Still further, given the design of the resistor unit disclosed by *Black, III* it would not be possible to add a breakaway element recited in independent Claims 1 and 9 of the present invention due to the rivets utilized in the assembly disclosed by *Black, III*. A significant modification would have to be made to the assembly

disclosed in *Black, III* to facilitate utilization of breakaway elements, which are not disclosed in either *Zirnheld, et al.* or *Buss, et al.* Accordingly, an obvious rejection using the prior art of record cannot be sustained and is improper. Once properly interpreted, independent Claims 1 and 9 are distinguished over the prior art references cited above. It is respectfully submitted that the obviousness rejection of Claims 1 and 9 under 35 U.S.C. § 103 are overcome. Further, because Claim 2 depends from independent Claim 1, the 35 U.S.C. § 103(a) rejection of Claim 2 is also believed to be overcome.

Beam, et al. disclose a retainer 20 for retaining a circuit board in a mounted position in a computer housing 44 that is adapted prior to the installation of the circuit board within the housing 44. The retainer 20 includes resilient fingers 30 used to clasp a circuit board 32, and a body 22 having an end portion 28 intended to abut a wall of the housing 44 to secure the circuit board 32. In order to provide versatility to the retainer 20, specifically to enable the retainer to be used in various sized housings 44, notches 50 are provided in the body 22 of the retainer 20. The notches enable specific lengths of the body 22 to be broken away thereby adapting the retainer 20 to fit within incrementally different spaces existing between the circuit board 32 and the housing 44 wall. The retainer 20 disclosed by *Beam, et al.* does not provide access to a catch of a resistor assembly thereby providing the ability to remove the resistor assembly from the housing. Further, there is no teaching in *Beam, et al.* that the panel 22 can be utilized with the devices such as the resistor assembly disclosed in *Black, III*, or the resistor array disclosed in *Zirnheld, et al.*, or the modular position resistor sensor in *Buss, et al.* There is no teaching or suggestion in the prior art when considered individually or in combination for one of ordinary skill in the pertinent art to modify *Beam* as suggested by the examiner. Therefore, Applicant respectfully contends that it would not be an obvious modification to incorporate the feature of the notch disclosed in *Beam, et al.* into any of the other cited references. The mere fact that references can be combined or modified does not render the resultant combination obvious unless

the prior art also suggests the desirability of the combination. The teaching or suggestion to combine elements of the prior art, no matter how simple they may be, must come from the prior art.

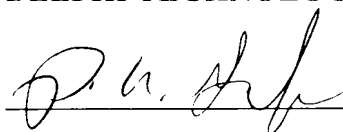
It is respectfully submitted that independent Claims 1, 9 and 14 are distinguished over the prior art references cited above. Claims 3-8 depend from independent claim 1, Claims 10-13 depend from independent Claim 9, and Claim 15 depends from independent Claim 14. Each of these dependent claims include each and every limitation of the independent claims. Therefore, it is respectfully submitted that the obviousness rejection of Claims 3-8, and 10-15, under 35 U.S.C. § 103 has been overcome.

Accordingly, it is respectfully submitted that the application is now presented in condition for allowance, which allowance is respectfully solicited. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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